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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/881,785

06/14/2001

Michael Tucker

PA1932

1613

29855

7590

12/15/2004

EXAMINER

VAUGHN JR, WILLIAM C

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,

P.C.

20333 SH 249

SUITE 600

HOUSTON, TX 77070

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,785	<b>Applicant(s)</b> TUCKER ET AL.	
	<b>Examiner</b> William C. Vaughn, Jr.	<b>Art Unit</b> 2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>26 November 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

*wa*

### DETAILED ACTION

1. This Action is in regards to the most recent papers received on 25 November 2002.

#### *Information Disclosure Statement*

2. The references listed on the Information Disclosure Statement submitted on 25 November 2002, have been considered by the examiner (see attached PTO-1449).
3. The application has been examined. Claims 1-20 are pending.

#### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, and 5-10** are rejected under 35 U.S.C. 102(e) as being anticipated by Broussard et al. (Broussard), U.S. Patent No. 6,317,776.

5. Regarding **claim 1**, Broussard *discloses a system, comprising: a videoconferencing unit that creates data in a format appropriate for real time transport [see Broussard, Col. 4, lines 57-63] a processor [see item 30] that receives the data and reassembles the data into a format appropriate for standard media on computer systems [see Broussard, Col. 6, lines 14-35]. By this rationale claim 1 is rejected.*

6. Regarding **claim 2**, Broussard *discloses wherein the data is compressed [see Broussard, Col. 5, lines 8-9]. By this rationale claim 2 is rejected.*

7. Regarding **claim 5**, Broussard *discloses wherein the reassembled data is stored on a server (Broussard teaches packetized received data over the network that is received*

from the terminal), [see Broussard, Col. 4, lines 33-43]. By this rationale **claim 5** is rejected.

8. **Claim 6** list all the same elements of **claim 1** but in processor form rather than system form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 1**.

9. **Claim 7** list all the same elements of **claim 1** but in method form rather than system form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 1**.

10. Regarding **claim 8**, Broussard discloses *wherein the step of reassembling the data into a format appropriate for standard media on computer systems is accomplished through the steps of: determining whether a frame of data appropriate for a real time transport protocol contains audio or video data [see Broussard, Col. 5, lines 1-8]; buffering audio data when a frame of data contains audio data [see Broussard, Col. 6, lines 14-35]; buffering video data when a frame of data contains video data [see Broussard, Col. 6, lines 13-25]; creating data in a format appropriate for standard media on computer systems that includes the buffered audio data [see Broussard, Col. 6, lines 15-35]; determining whether data in a format appropriate for standard media on computer systems should include the buffered video data [see Broussard, Col. 6, lines 15-35]; and creating data in a format appropriate for standard media on computer systems that includes the buffered video data if it is determined that the buffered video data should be included [see Broussard, Col. 6, lines 35-45].* By this rationale **claim 8** is rejected.

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11. Regarding **claim 9**, Broussard discloses *wherein the data is compressed* [see Broussard, Col. 5, lines 8-9]. By this rationale **claim 9** is rejected.
12. Regarding **claim 10**, discloses *wherein the data is compressed* [see Broussard, Col. 5, lines 8-9]. By this rationale **claim 10** is rejected.
13. Regarding **claim 14**, discloses *further comprising the steps of causing the reassembled data to be stored on a server* (Broussard teaches packetized received data over the network that is received from the terminal), [see Broussard, Col. 4, lines 33-43]. By this rationale **claim 14** is rejected.
14. Regarding **claim 15**, discloses *further comprising the steps of causing the reassembled data to be stored on a server* (Broussard teaches packetized received data over the network that is received from the terminal), [see Broussard, Col. 4, lines 33-43]. By this rationale **claim 15** is rejected.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 3, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard in view of Mizoguchi, U.S PG PUB 2002/0054215.
17. Regarding **claim 3**, Broussard discloses the invention substantially as claimed. However, Broussard does not explicitly disclose wherein the data is compressed with H.263.

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18. In the same field of endeavor, Mizoguchi discloses (e.g., image transmission apparatus transmitting image corresponding to terminal). Mizoguchi discloses *wherein the data is compressed with H.263 format* [see Mizoguchi, section 0041].

19. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Mizoguchi's teachings of an image transmission apparatus transmitting image corresponding to terminal with the teachings of Broussard, for the purpose of preventing an increase in network traffic as well as an increase load on the transmission apparatus [see Mizoguchi, section 0010]. By this rationale **claim 3** is rejected.

20. Regarding **claim 11**, Broussard-Mizoguchi further discloses *wherein the data is compressed with H.263 format* [see Mizoguchi, section 0041]. By this rationale **claim 11** is rejected.

21. Regarding **claim 12**, Broussard-Mizoguchi further discloses *wherein the data is compressed with H.263 format* [see Mizoguchi, section 0041]. By this rationale **claim 12** is rejected.

***Claim Rejections - 35 USC § 103***

22. **Claims 4, 16, and 17-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard in view of Walters et al. (Walters), U.S. PG PUB 2001/0052019.

23. Regarding **claim 4**, Broussard discloses the invention substantially as claimed. However, Benslimane does not explicitly disclose wherein the reassembled data can be delivered as an email attachment.

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24. In the same field of endeavor, Walters discloses (e.g., video mail delivery system). Walters Broussard discloses *wherein the reassembled data can be delivered as an email attachment* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025].

25. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Walters' teachings of video mail delivery system with the teachings of Broussard, for the purpose of By this rationale **claim 4** is rejected.

26. Regarding **claim 16**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes a hyperlink to the reassembled data stored on the server* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 16** is rejected.

27. Regarding **claim 17**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes a hyperlink to the reassembled data stored on the server* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 17** is rejected.

28. Regarding **claim 18**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes the reassembled data as an attachment* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 18** is rejected.

29. Regarding **claim 19**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes the reassembled data as an attachment* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 19** is rejected.

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30. Regarding **claim 20**, discloses *wherein the data received in a format appropriate for a real time transport protocol is generated in response to a failed attempt at a videoconference* [Walters, section 0032]. By this rationale **claim 20** is rejected.

Regarding **claim 21**, Walters discloses *wherein the data received in a format appropriate for a real time transport protocol is generated in response to a failed attempt at a videoconference* [Walters, section 0032]. By this rationale **claim 21** is rejected.

***Claim Rejections - 35 USC § 103***

31. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard-Mizoguchi as applied to claim 7, 8 and 12 above, and further in view of Goodwin, III, U.S. Patent No. 6,532,232.

32. Regarding **claim 13**, Broussard discloses the invention substantially as claimed. However, Broussard-Mizoguchi does not explicitly disclose further comprising the step of creating data in a format appropriate for standard media on computer systems that includes an empty video frame command if it is determined that buffered data should not be included.

33. In the same field of endeavor, Goodwin discloses (e.g., method and system for transporting audio/video data over a bus). Goodwin *further comprising the step of creating data in a format appropriate for standard media on computer systems that includes an empty video frame command if it is determined that buffered video data should not be included* [see Goodwin, Col. 9, lines 63-67 and Col. 10, lines 1-8].

34. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Goodwin's teachings of a method and system for transporting audio/video over a bus with the



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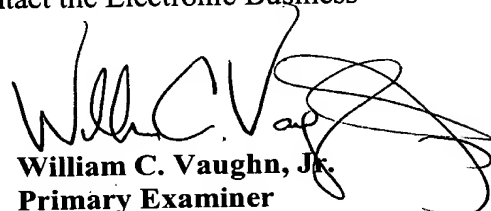
teachings of Broussard-Mizoguchi, for the purpose of providing a system and method for efficiently transmitting data packets without significant processor utilization [see Goodwin, Col. 4, lines 7-10]. By this rationale **claim 13** is rejected.

***Conclusion***

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**William C. Vaughn, Jr.**  
**Primary Examiner**  
**Art Unit 2143**

WCV